

## **REMARKS**

In the Office Action mailed August 19, 2008, the Office Action noted that claims 1, 4, 7, 9 and 12-16 were pending and rejected claims 1, 4, 7, 9, and 12-16. Claims 1, 4, 7, 9, and 12-16 have been amended. Claim 17 has been added. In view of the foregoing, claims 1, 4, 7, 9, and 12-17 remain pending for reconsideration which is requested. No new matter is believed to have been added. The rejections are respectfully traversed below.

### **Rejection of Claims 1, 4, 13-14 and 16 under 35 U.S.C. § 101**

On page 3 of the Office Action, claims 1, 4, 13-14 and 16 were rejected under 35 U.S.C. § 101 as allegedly being directed toward non-statutory subject matter.

Regarding the rejection, the Applicant respectfully submits that a rejection of claims 1, 4, 13 and 14 under 35 U.S.C. § 101 has been previously withdrawn as acknowledged by the non-final Office Action mailed August 1, 2007 on page 9. The Examiner stated that the Applicant's arguments on page 6 of the remarks submitted June 13, 2007 had been "persuasive" and the rejection was withdrawn. Additionally, the March 4, 2008 final Office Action did not reject the claims under 35 U.S.C. § 101 when the Applicant amended the claims to recite "a delivery goods apparatus" which is clearly depicted in Figure 1.

Furthermore, while the Office Action alleges that there is "no transformation of any physical object...during the recitation of the present invention," there is transformation made to the delivery goods identification information DB, recited in claim 1 as "storage." Moreover, amended claim 1 now recites "deliverer delivers the goods to the location associated with the recipient," thus there is a physical transformation of a physical object, i.e. "goods," which are delivered "to the location associated with the recipient." Thus, since there is transformation to the "storage" as a result of "transmitting a notification" to a recipient and "further storing information for a deliverer," and transformation of "the goods" whereby the "deliverer delivers the goods to the location associated with the recipient," claim 1 recites statutory subject matter.

Similar amendments have been made to claims 13-14 and 16.

Thus, the above rejected claims recite statutory subject matter and withdrawal of the rejection is respectfully submitted.

### **Rejection of Claims 1, 4, 7, 9, and 12-16 under 35 U.S.C. § 103**

On page 4 of the Office Action, claims 1, 4, 7, 9, and 12-16 were rejected as being unpatentable over Moreno (U.S. Patent Application Publication Number 2002/0035515)

(hereinafter "Moreno") in view of Sakei (U.S. Patent Number 7,174,307). This rejection is respectfully traversed.

The invention of the claims solves a problem not recognized much less solved by the prior art. In particular, it can occur that when a package is being delivered to someone that they are not at home. In such a situation, traditionally, the package is not delivered and the carrier must return to the location at a later time, wasting time and resources. This problem is solved by making the delivery based on the recipient indicating that the package is to be delivered. The solution recited by the claims is discussed in more detail below.

In the Office Action on page 6, it was admitted that Moreno "fails to explicitly teach the features of 'wherein the request includes a message to confirm as to whether the recipient approves or rejects delivery of the goods by the deliverer to the location' and 'so that deliverer delivers the goods when a result of the reception approval/refusal indicates an approval of the delivery of the goods by the recipient.'" However, the Office Action alleges that Sakei teaches the above recited features in column 7, lines 46-67 and column 8, lines 1-5.

Sakei discusses a system whereby a gift order is input to a server by a sender himself via a sender-side computer or an agent on behalf of the sender. (See Abstract). When a receiver of the gift receives the gift order request, the receiver inputs to the server its decision on whether to accept the gift or reject the gift. (See Abstract). Thus, if the gift is rejected, the gift is never actually shipped, but is rejected by a potential recipient before it is even provided to a deliverer, saving "labor cost and space cost by eliminating "gift replacement" as well as eliminating "redelivery of the gift to the distributor of the gift" (See column 1, lines 55 – column 2, line 16).

Thus, nothing cited in the Office Action teaches or suggests

**a request to confirm reception of delivery goods entered by a deliverer** when a recipient of the delivery goods from the location is absent, wherein the request includes a message to confirm as to whether the recipient approves or rejects delivery of the goods by the deliverer to the location...

notifying said deliverer of the reception approval/refusal information based on the deliverer information, so that the **deliverer delivers the goods to the location associated with the recipient when a result of the reception approval/refusal information indicates an approval** of the delivery of the goods by the recipient.

While claim 1 recites "a request to confirm reception of delivery goods **entered by a deliverer**," in Sakai, the request is not entered "by a deliverer" but is rather initiated after a gift sender attempts to send a gift to a receiver. Sakai explicitly notes that "when a receiver is

absent at a gift delivery date, **the receiver must request redelivery of the gift to the distributor of the gift.**" (See column 1, lines 62-64). In other words, Sakai attempts to eliminate gift returns to the original distributor or store. However, claim 1 is related to eliminating the need for redelivery of delivery goods during receiver absence through "a request to confirm reception of the goods entered by a deliverer" whereby "the deliverer delivers the goods to the location associated with the recipient" after "an approval" is issued by the receiver of the goods. Sakai actually teaches away from claim 1 in that it explicitly attempts to eliminate delivery of gifts which are unwanted by eliminating any delivery attempts altogether. (See column 1, line 66 – column 2, line 3) Claim 1 is directed toward eliminating unsuccessful delivery attempts, "when a recipient of the delivery goods from the location is absent" while Sakai discusses eliminating delivery attempts altogether.

In light of the above discussion, claim 1 is patentably distinguishable over Moreno and Sakei, either alone or in combination, because nothing cited in the Office Action, or found in either reference, teaches or suggests the above recited features.

Independent claims 7, 9, 13, 14 and 16 are also patentably distinguishable over Moreno and Sakei, either alone or in combination, for reasons similar to those provided above.

The dependent claims depend from the above discussed independent claims and are patentable over Moreno and Sakei for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by Moreno and Sakei. For example, claim 4 recites "notifying **said client** of the reception approval/refusal information based on the **client information.**" The "client" referred to in Sakei refers to a "computer system" (See column 5, line 45 and Figure 1). In particular, the cited references do not teach the above recited features, wherein the client differs from the recipient and is an entity or person rather than a computer (Client: Sato and Recipient: Suzuki) as depicted in Figure 9, specifically 903. It is submitted that the dependent claims are independently patentable over the cited references.

#### **New Claim 17**

New claim 17 is supported by the originally filed specification in at least page 22, line 15 to page 23, line 5, patentably distinguishable over Moreno and Sakei for the reasons discussed above, and recites:

transmitting a request from a deliverer to a potential recipient who is not present at a location of a good to be delivered, the request requesting for transmission of an affirmative response that the potential recipient ordered the good to be delivered; and

delivering, by the deliverer, of the good for the potential recipient when the potential recipient is not present at the location if the potential recipient transmits the affirmative response in return to the request.

### Summary

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome. Further, all pending claims patentably distinguish over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 11/18/8

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